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**OFFICE OF PETITIONS**

In re Application of :  
William Stephens : DECISION ON PETITION  
Application No. 10/645,379 :  
Filed: 22 August, 2003 :  
Atty Docket No. 1306 :

This is a decision on the petition under 37 CFR 1.137(b),<sup>1</sup> filed on 13 July, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is not a final agency decision.

This application became abandoned on 29 June, 2005, for failure to timely file the issue and publication fees, in response to the

<sup>1</sup> Effective December 1, 1997, the provisions of 37 CFR 1.137(b) now provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition filed under the provisions of 37 CFR 1.137(b) must be accompanied by:

(1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In a nonprovisional application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof. In an application abandoned for failure to pay the publication fee, the required reply must include payment of the publication fee.

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

Notice of Allowance and Fee(s) Due, and corrected drawings, in response to the Notice of Allowability, both mailed on 28 June, 2005. The filing of present petition precedes the mailing of Notice of Abandonment.

The petition lacks the required reply. The drawings filed with the petition on 13 July, 2005, are objected to by Draftsperson under 37 CFR 1.84 or 1.152. A copy of the Notice of Draftsperson's Patent Drawing Review is enclosed for petitioner's reference.

Petitioner should file a renewed petition accompanied by corrected drawings in compliance with 37 CFR 1.84 and 1.182.

Further correspondence with respect to this matter should be addressed as follows:

By mail:            Mail Stop Petition  
                          Commissioner for Patents  
                          P.O. Box 1450  
                          Alexandria, VA 22313-1450

By FAX:            (571) 273-8300  
                          Attn: Office of Petitions

By hand:            Customer Service Window  
                          Mail Stop Petition  
                          Randolph Building  
                          401 Dulany Street  
                          Alexandria, VA 22314

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3231.

  
Douglas I. Wood  
Senior Petitions Attorney  
Office of Petitions

Encl:              Notice of Draftsperson's Patent Drawing Review